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HEIDI FIORENTINO

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

HEIDI FIORENTINO,

Plaintiff,

vs.

PHILADELPHIA INDEMNITY
INSURANCE COMPANY,

Defendant.

Case No. 1:24-cv-01023-KES-SAB

**STIPULATION ON JOINT REQUEST TO
RESET HEARING ON DEFENDANT'S
MOTION TO DISMISS; AND ORDER
THEREON**

Hearing:

Date : November 12, 2024

Time : 1:30 p.m.

Courtroom: 6

Judge: Hon. Kirk E. Sherriff

STIPULATION

It is hereby stipulated between Plaintiff, HEIDI FIORENTINO and Defendant, PHILADELPHIA INDEMNITY INSURANCE COMPANY, by and through their respective counsel, that the hearing on Defendant, PHILADELPHIA INDEMNITY INSURANCE COMPANY'S motion to dismiss [4], currently set for November 12, 2024, be reset to a new date that is available for all counsel and the court, as follows:

1. On October 31, 2024, the court on its own motion [15], reset the hearing on Defendant, PHILADELPHIA INDEMNITY INSURANCE COMPANY'S motion to dismiss [4], previously set for November 4, 2024, to November 12, 2024.

2. Plaintiff's counsel is not available on November 12, 2024, due to a long standing all-day mediation that was previously set months ago in the case of *Evans v. Tyrrell, et al.* (Fresno

1 County Superior Court Case No. 23CECG01862). *Evans* is a complicated multi-party personal
2 injury case wherein Plaintiff's counsel represents a seriously injured plaintiff that passed away.
3 There are seven separate counsel scheduled to participate in the mediation.

4 3. Counsel met and conferred on November 4, 2024, and confirmed that all counsel are
5 available on **November 20, 2024, December 4, 2024, and December 5, 2024**, at 1:30 PM for the
6 hearing on Defendant's motion to dismiss.

7 4. Based on the foregoing, counsel jointly request that the hearing on Defendant's
8 motion to dismiss be reset to one of the foregoing dates based on the court's availability. If the court
9 is not available on any of these dates, counsel will meet and confer further to provide additional
10 availability in December to clear with the court's calendar.

11 IT IS SO STIPULATED.

12 Dated: November 4, 2024

PABOOJIAN, INC.

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14 By: /s/ Adam B. Stirrup
Adam B. Stirrup
15 Attorneys for Plaintiff, HEIDI FIORENTINO

16 Dated: November 4, 2024

CLYDE & CO US LLP

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18 By: /s/ Alec H. Boyd [Authorized 11/4/24]
Alec H. Boyd
19 Attorneys for Defendant, PHILADELPHIA
20 INDEMNITY INSURANCE COMPANY

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ORDER

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the hearing on Defendant, Philadelphia Indemnity Insurance Company's [4] motion to dismiss, currently set for November 12, 2024, is RESET to December 5, 2024, at 1:30 PM in Courtroom 6 before District Judge Kirk E. Sherriff.

IT IS SO ORDERED.

Dated: November 6, 2024



UNITED STATES DISTRICT JUDGE